



Flathead County Planning & Zoning

40 11th Street West, Suite 220 Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

APPLICANT/OWNER:

1. Name: Tyler Kerst and Keturah Kerst Phone: 303-909-4388
2. Mail Address: 501 McCaffery Rd
3. City/State/Zip: Bigfork, MT, 59911
4. Interest in property: Owners

Check which applies:



Map Amendment



Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: _____ Phone: _____
Mailing Address: _____
City, State, Zip: _____
Email: _____

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 25 Echo Bay Trail, Bigfork, MT, 59911

- B. Legal Description: 4A / Tract 1 of C.O.S. 18506

(Lot/Block of Subdivision or Tract #)

7 - 27N - 19W

Section Township Range

(Attach sheet for metes and bounds) **See Attachment "A"**

- C. Total acreage: 22.090

- D. Zoning District: Bigfork

- E. The present zoning of the above property is: AG20

- F. The proposed zoning of the above property is: SAG10

- G. State the changed or changing conditions that make the proposed amendment necessary: We are wanting to be able to transfer half of the 22 acre lot to Tyler's mother.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.


See Attachment "B"

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

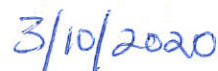


Owner/Applicant Signature(s)



Date





PETITION FOR ZONING AMENDMENT

Applicant/Owner: Tyler Kerst and Keturah Kerst

Subject Property Address: 25 Echo Bay Trail, Bigfork, MT 59911

Attachment "A"

Metes and Bounds

BEGINNING at the northwest corner of Government Lot 3 of Section 7, Township 27 North, Range 19 West, P.M.,M., Flathead County, Montana, which is a found pipe; Thence along the north boundary of said Government Lot 3 S89°14'46"E 30.00 feet to the centerline of a 60 foot private road and utility easement; Thence along said centerline the following eight courses: S00°05'01"W 48.26 feet; S43°42'23"W 418.65 feet; S00°49'32"E 378.94 feet; S52°16'03"W 118.80 feet; S88°46'25"W 271.98 feet; S78°36'00"W 338.77 feet; N83°39'15"W 181.00 feet and S76°51'45"W 203.70 feet to the west boundary of the Northeast Quarter of the Northeast Quarter of Section 12, Township 27 North, Range 20 West, P.M.,M.; Thence leaving said centerline and along said west boundary N00°16'14"E 914.65 feet to a found iron pin and the northwest corner thereof; Thence along the north boundary of said NE1/4NE1/4 S89°27'09"E 1325.85 feet to the point of beginning and containing 22.090 ACRES; Subject to and together with 30 foot and 60 foot private roads and utility easements as shown hereon; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

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PETITION FOR ZONING AMENDMENT

Applicant/Owner: Tyler Kerst and Keturah Kerst

Subject Property Address: 25 Echo Bay Trail, Bigfork, MT 59911

Attachment "B"

Answers to questions related to the criteria by which zoning amendments are reviewed:

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

Yes. We believe that this zooming amendment is in accordance with the Growth Policy as set forth in the Bigfork Neighborhood Plan as adopted by the Flathead County Commissioners on June 02, 2009. Furthermore, we believe that the proposed amendment exemplifies the idea that the Executive Summary states about its desire to allow growth while "doing so in a manner that preserves the rural and pristine character of this very special place as well as nurturing the spirit of neighborliness and volunteerism that characterize the community."

Under Part V – Land Use and Natural Resources, the section about Land Types, Uses, and Densities, SAG10 is stated to be "appropriate for areas exhibiting the attributes of rural services and facilities, and where a transition between AG zones and residential areas is appropriate." The subject property borders SAG5, AG40 and non-zoned land. Therefore, SAG10 would be a transitional zoning between these. Furthermore, the Goals and Policies Part V states in Goal 17 is to "Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protects the wildlife habitat." The proposed amendment would be an accomplishment of that Goal, as well as follow Policy 17.1 in regards to utilizing existing infrastructure and "minimizing the demand for additional infrastructure, such as roads or road improvements, and expansion of utilities."

2. Is the proposed amendment designed to:
a. Secure safety from fire and other dangers?

Yes. The proposed amendment does not increase or decrease in any substantial way safety from fire or other dangers. The subject property is in the Creston fire district and 6.6 miles from the main Creston Fire Station. Additionally, the subject property is on the border of the Bigfork fire district and a mere 5.8 miles from the main Bigfork Fire Hall and 3.7 miles from the Echo Lake Fire Hall. No part of subject property is in the flood plain.

- b. Promote public health, public safety and the general welfare?

Yes. The proposed amendment does not increase or decrease in any substantial way the public health, public safety or the general welfare. There are a paved roads (McCaffery Road & Ecko Bay Trail) for access to subject property for fire, ambulance, police, mail and other services access. Soils on this and surrounding residential properties are

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compatible for individual septic systems, and wells in the area supply adequate water for individual wells. For example, the existing well for subject property is ~290 feet, 80 GPM. The zoning amendment would only increase the number of lots by one. The road to the subject property is paved and the additional lot should negligibly increase the demand on those local and social services discussed in Part VI of the Bigfork Neighborhood Plan.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Yes. The proposed amendment should have negligible impact on transportation, water, sewerage, schools, parks and other public requirements. The zoning amendment would only increase the number of lots by one. An adequate network of roads exists connecting the subject property to the surrounding communities, and the transportation impact of the requested amendment is minimal. Water is abundantly available in the area based on area well logs, and sandy soils on the subject property are conducive to individual septic systems. The subject property is within the Bigfork School District, and the additional lot would only increase the student load by 0.4 students. The general area is an open rural & residential landscape.

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

Yes. The proposed amendment considers and finds the provision of light and air to be adequate. The subject property is forested land of 22+ acres. The SAG10 designation would allow for two 10+ acres lots with plenty of light and air provided. No material difference in land usage (impacting light and air quality for the community) is being proposed. The subject property with the proposed zoning continues to allow for adequate setbacks to ensure continued light and air quality.

b. The effect on motorized and non-motorized transportation systems?

Yes. The potential of one additional lot will have minimal impact. A typical estimate of vehicle trips per day is to estimate 10 car trips per household. This would only be a 10 car trip increase. McCaffery Road should have minimal increases in both directions of travel along the entire length of McCaffery Road. The proposed amendment will slightly effect both motorized and non-motorized transportation on the private road of Echo Bay Trail and the county road of McCaffery Road. This impact should be insignificant as both roads are paved.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

Yes. The character and contour of the land, soils, availability of water, accessibility to highways and emergency services, and schools all lend to a suitable environment for the proposed zoning amendment. The proposed amendment is believed to have no impact on the urban growth in the area around the Bigfork Village or the Downtown area of Bigfork. The subject property is not located near any municipalities.

d. The character of the district and its peculiar suitability for particular uses?

Yes. The proposed amendment seems completely to fit the character of the Bigfork District. Maintaining an agricultural character with a minimum lot size of 10 acers will maintain the character of the area surrounding the lot. Part III – Housing, states that Goal 8 is to “Encourage housing that maintains traditional development patterns while protecting property values and natural resources.” One of the policies (8.2) is to “Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.” The zoning amendment for the subject property is in-line with the policy and accomplishes the goal.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

Yes. The proposed amendment should maintain and preserve the value of land and existing buildings of properties around the subject property and the subject property itself, and should likewise encourage the most appropriate use of the land in question. The use of the land would not change and it seems that the proposed amendment would actually allow for the “most appropriate use” use of the subject property..

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

Yes. The proposed amendment is completely compatible with the zoning ordinances of nearby municipalities. The subject property is bordered on the west by SAG5, AG20 on the south and east sides, and the boundary of zoning is the north property line, so the property bordering on the north side is not zoned.